IN RE: PETITION FOR RESIDENTIAL VARIANCE* BEFORE THE S/S Mid Haven Road, 74' W of the * ZONING COMMISSIONER c/l of Creek Road (8139 Mid Haven Road) * OF BALTIMORE COUNTY 12th Election District 7th Councilmanic District * Case No. 91-37-A Jackie G. Norman, et ux Petitioners * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a zoning variance to permit a side yard setback of 0 feet in lieu of the required minimum of 2.5 feet and to permit a setback from the centerline of an alley of 11 feet in lieu of the required 15 feet for a proposed carport in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship ্ৰ ্ৰ ্ৰ upon the Petitioners.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

> 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

2) Conserve fish, wildlife, and plant habitat; and

- 2-

3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13th day of September, 1990 that the Petition for Residential Variance to permit to permit a side yard setback of 0 feet in lieu of the required minimum of 2.5 feet and to permit a setback from the center- line of an alley of 11 feet in lieu of the required 15 feet for a proposed carport, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> 2) The carport granted herein shall be constructed in accordance with all building code requirements. Further, a gutter system shall be installed to divert

> > - 3-

PETITION FOR RESIDENTIAL VARIANCE

the description and plat attached hereto and made a part hereof, petition for a Variance from Section 400.1

To allow a zero ft. side yard setback in lieu of 2.5 ft.

To allow 11 ft. in lieu of 15 ft. from the centerline of an alley

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty) A concrete slab was on the property when I dought it.

I want to put A CARPORT OVER the Slab. (SEE Addition)

expenses of the above Variance posting and, if necessary, advertising, upon filing

	penalties of perjury, that I/we are the legal owner(s) of the property which is the subject this Petition.				
ntract Purchaser:	Legal Owner(s):				
er Print Name) ure s tata/21p tode ney for Patitioner:	JACKIE G. NORMAN				
pe ar Print Heme)	Parke S. Norman 13				
neture	ETTA C. Norman ME Hold				
ress .	Colta C. naman				
y/State/21p Code	Signature				
torney for Patitioner:	8139 MIL HAVEN H-288-00 Address Phon Baltimore MARY/AND 2122 City/State/Zip Code)				
pe or Print Name)	Baltimore MARYLAND 2122				
pature	City/oters/tib com/				

I/We do solemnly declare and affirm, under the

ZONING CONTISSIONER OF BALTIMURE COUNTY

GRITICAL AREA (17) Addition 91-37-A

To more the poles in to within the limits I would not have Room to pARK my CAR, It would Also take up what little bit of yARD is there. Walking down the Right side From my back door has to be ROOM FOR WASTE CANS. All the MOVEMENTS within the limits would cause NO BOOM FOR the CAR, take up my yard and no space for waste cans.

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of

1. A CONCRETE SLAD WAS ON THE PROPERTY WHEN I bought the house. I want to put a carport over the slab. (ALSO: SEE ATTACHED

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a

JACKIE G. NORMAN AFFIANT (Printed Name)

Etta C. Norman Etta C. Norman

of his/her/their knowledge and belief.

NS WITHESS my hand and Notarial Seal.

completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated August 23, 1990, attached hereto and made a part hereof.

IT IS FURTHER ORDERED that the Petitioner shall comply fully and

all storm water runoff away from adjoining residential

Zoning Commissioner for Baltimore County

ZONING DESCRIPTION

- 4-

BEGINNING AT A POINT ON THE -NOATH SIDE OF MID HAVEN ROAD WHICH IS 58 FEET WIDE AT THE DISTANCE OF 74 FEET WEST OF THE CENTER LINE OF THE NEAREST IMPROVED INTERSECTING STREET CREEK ROAD WHICH IS 58 FEET WIDE. BEING LOT #20, Block H, Section #2 in the subdivision of GRAY HAVEN AS RECORDED IN BALTIMORE COUNTY PLAT BOOK # 22, Folio #78 containing 1600 SQUARE FEET. Also KNOWN AS 8139 MIL HAVEN Rd. AND locATED IN the #12 Election Distaict.

J. Robert Haines

Ms. Jackie G. Norman 8139 Mid Haven Road Baltimore, MD 21222



RE: Item No. 17, Case No. 91-37-A Petitioner: Jackie G. Norman, et al Petition for Residential Variance

August 15, 1990

Dear Ms. Norman:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

> Chairman Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353

J. Robert Haines



Your petition has been received and accepted for filing this 18th day of July, 1990.

> I. Robert Maines J. ROBERT HAINES

ZONING COMMISSIONER

Received By: Zoning Plans Advisory Committee

Petitioner: Jackie G. Norman, et al

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines

DATE: August 6, 1990

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Jackie G. Norman, Item No. 17

Zoning Commissioner

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM17/ZAC1

AUG U B 1990

Baltimore County Fire Department 700 East Joppa Road, Suite 901 Towson, Maryland 21204-5500 (301) 887-4500

July 30, 1990



J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

JACKIE G. NORMAN; ETTA C. NORMAN RE: Property Owner:

#8139 MID HAVEN Location:

Zoning Agenda: AUGUST 7, 1990 Item No.: *17

Gentlemen:

Paul H. Reincke

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be

corrected or incorporated into the final plans for the property. 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: At Osef Kelly 7-30-90 Approved Captain Fire Prevention Bureau Special Inspection Division

JK/KEK

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353

J. Robert Haines

Zoning Commissioner

September 13, 1990



Mr. & Mrs. Jackie G. Norman 8139 Mid Haven Road Baltimore, Maryland 21222

RE: PETITION FOR RESIDENTIAL VARIANCE S/S Mid Haven Road, 74' W of the c/l of Creek Road (8139 Mid Haven Road) 12th Election District - 7th Councilmanic District Jackie G. Norman, et ux - Petitioners

Dear Mr. & Mrs. Norman:

Case No. 91-37-A

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

> J. ROBERT HAINES Zoning Commissioner for Baltimore County

Very truly yours,

cc: People's Counsel

Chesapeake Bay Critical Areas Commission Tawes State Office Bldg., D-4, Annapolis, Md. 21404

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines

DATE: August 23, 1990

Zoning Commissioner

FROM: Mr. Robert W. Sheesley SUBJECT: Petition for Zoning Variance - Item 17 Norman Property

Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 8139 Midhaven Road. The site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area (IDA).

APPLICANT'S NAME Mr. and Mrs. Jack G. Norman

APPLICANT PROPOSAL

The applicant has requested a variance from section 400.1 of the Baltimore County Zoning Regulations to allow a zero foot side yard setback in lieu of 2.5 feet and section 400.2 to allow 11 feet in lieu of 15 feet from the centerline of an alley.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

- 1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
- Conserve fish, wildlife and plant habitat; and
- 3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.0>

Memo to Mr. J. Robert Haines

REGULATIONS AND FINDINGS

August 23, 1990

Page 2

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Sec. 22-216(a)>.

AUG 0 8 1000

BALTIMORE COUNTY, MARYLAND

1NTER-OFFICE CORRESPONDENCE

ZONING TEM #: 17

ELECTION DISTRICT:

COUNCILMANIC DISTRICT:

() PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF

() PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE

PROPERTY OWNER:

LOCATION:

PERMITS & LICENSES

SUBJECT:

FOLLOWING:

HANDICAPPED.

() PARKING LOCATION

() BUILDING ACCESS

⟨

⟨

⟨

○THER -

SUBMITTED.

() NUMBER PARKING SPACES

BALTIMORE COUNTY BUILDING CODE.

TO COMPLY TO NEW USE REQUIREMENTS.

TOWSON, MARYLAND 21204 - PHONE - 887-3900.

CHECK ITEM APPLICABLE TO THIS PLAN

J. ROBERT HAINES, ZONING COMMISSONER, DEPARTMENT ZONING

CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE

MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE

SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT

A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN.

SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE

() A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING

() STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).

USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND

ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE,

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE

() RAMPS (degree slope)

() CURB CUTS

() SIGNAGE

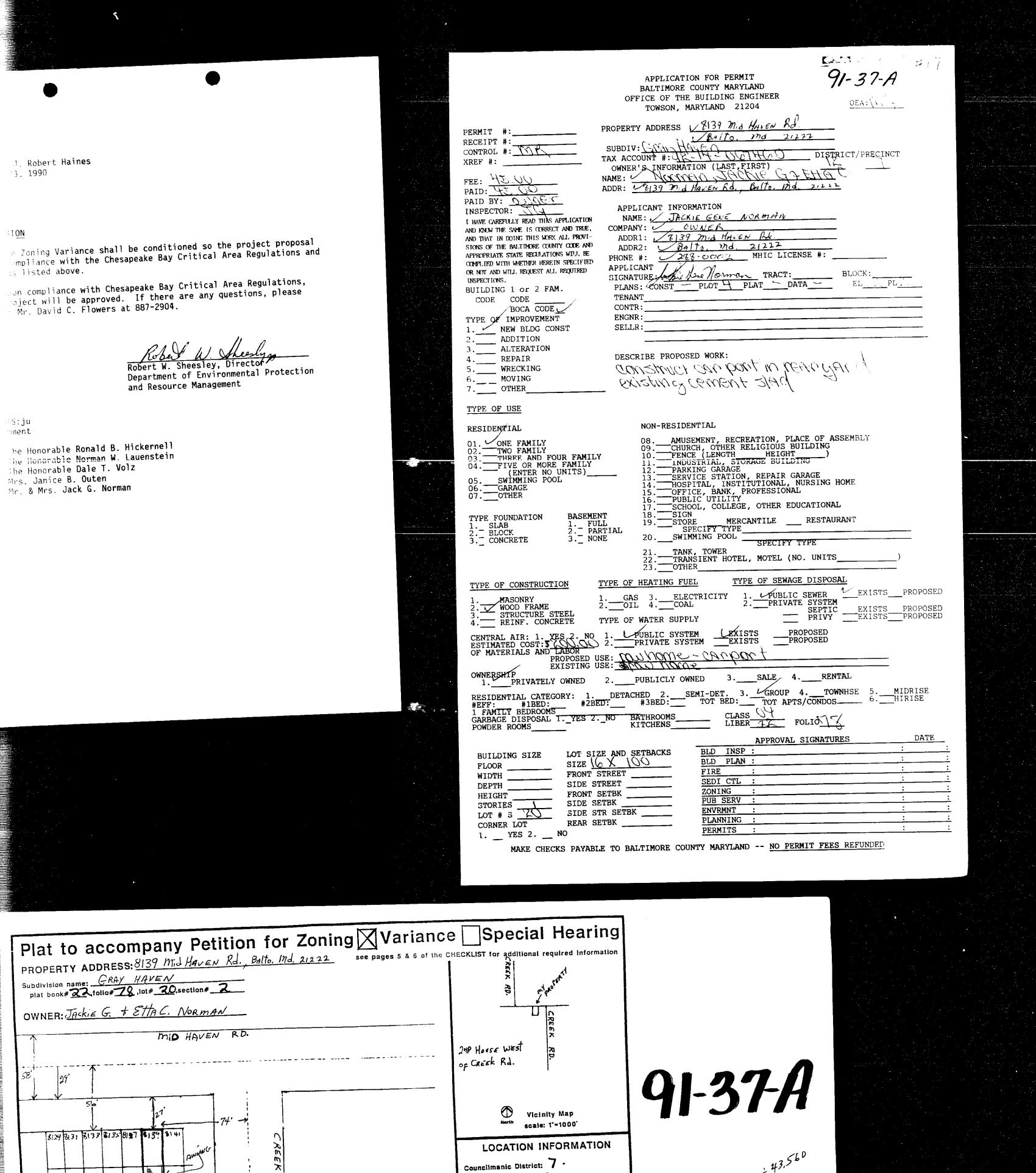
Finding: This property is located approximately 800 feet from the tidal waters of Bear Creek. Therefore, no disturbance of the buffer shall occur.

2. Regulation: "No dredging, filling, or construction in any wetland shall be permitted. Any wetland must be adequately protected from contamination" <Baltimore County Code Sec. 22-98>

Finding: No tidal or non-tidal wetlands were found on this site. Therefore, no disturbance of wetlands shall occur.

3. Regulation: "New development and redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loadings by 10% of the on-site level prior to new development or redevelopment." <Baltimore County Code Sec. 22-216>

Finding: In order to comply with the above regulation rooftop runoff shall be directed through downspoutsand into Dutch drains or seepage pits (see attached information). This will encourage maximum infiltration of stormwater and will bring this property into compliance with the 10% rule. Infiltration of stormwater is a recommended Best Management Practice in a "Framework for Evaluating Compliance with the 10% Rule in the Chesapeake Bay Critical Area".



Prior Zoning Hearings: NONG

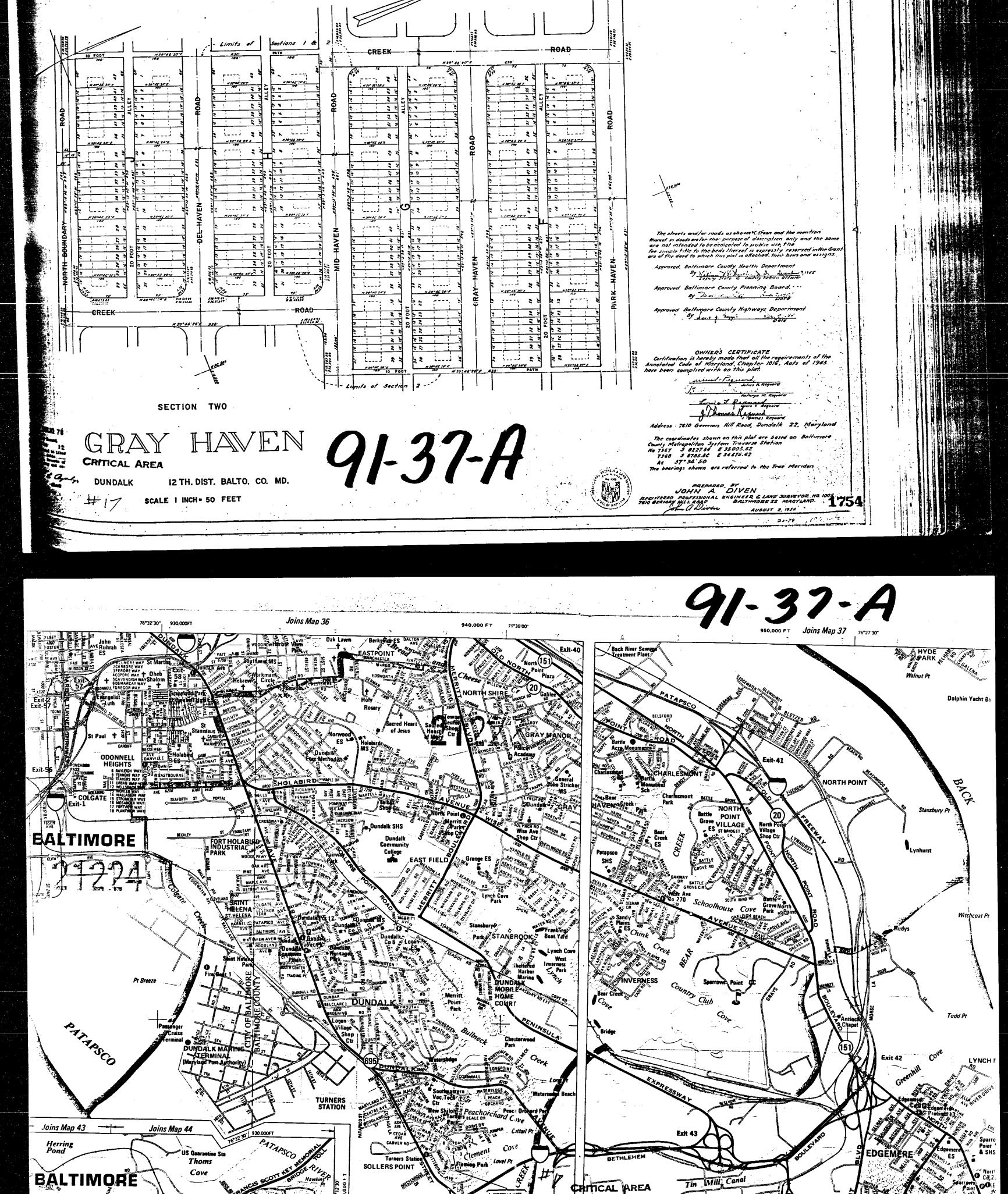
CRITICAL AREA

ALLEY

Scale of Drawing: 1'= 50'

date: 6-30-90

prepared by: TACK NORMAN



G.L.B. No. 22 - 78

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Townson, Maryland

number 1256	Date of Posting 93/90
Posted for: Jarioneo Tackie & Nor	Mid Farong 94' W/ Ctook Rd,
Petitioner: Location of property: (8139) + 5/5	Mid Farong 94' W/ Glock Rd
Location of Signs: Facing & 25	Fr. You dway, on proporty of
Posted by Signature Number of Signs:	Date of return: \$110/90

	Baltimore County Zoning Commisioner County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204			Account: R-001-6150 Number	r@@	ල ් ල 2957
Date	ウ/1 6 7号を			H9100017		
	PUBLIC HEARING FEES (010 -ZONING VARIANCE (IRL) 080 -FOSTING SIGNS / ADVERTISING LAST NAME OF OWNER: NORMAN	2TY 1 1 TO	X X TAL:	\$35.00 \$25.00 \$60.00		

04A04#0122MICHRC \$60.0 BA C011:13AM07-16-90
Please make checks payable to: Baltimore County

PETITIONER'S EXHIBIT # CASE NUMBER

CASE NUMBER: 91-37-A



View in from upstairs looking at back yard.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

July 25, 1990

Mr. & Mrs. Jackie G. Norman 8139 Mid Haven Road Baltimore, Maryland 21222



Re: CASE NUMBER: 91-37-A
1TEM NUMBER: 17
LOCATION: 8139 Mid Haven Road

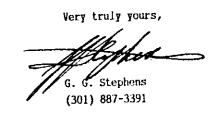
Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

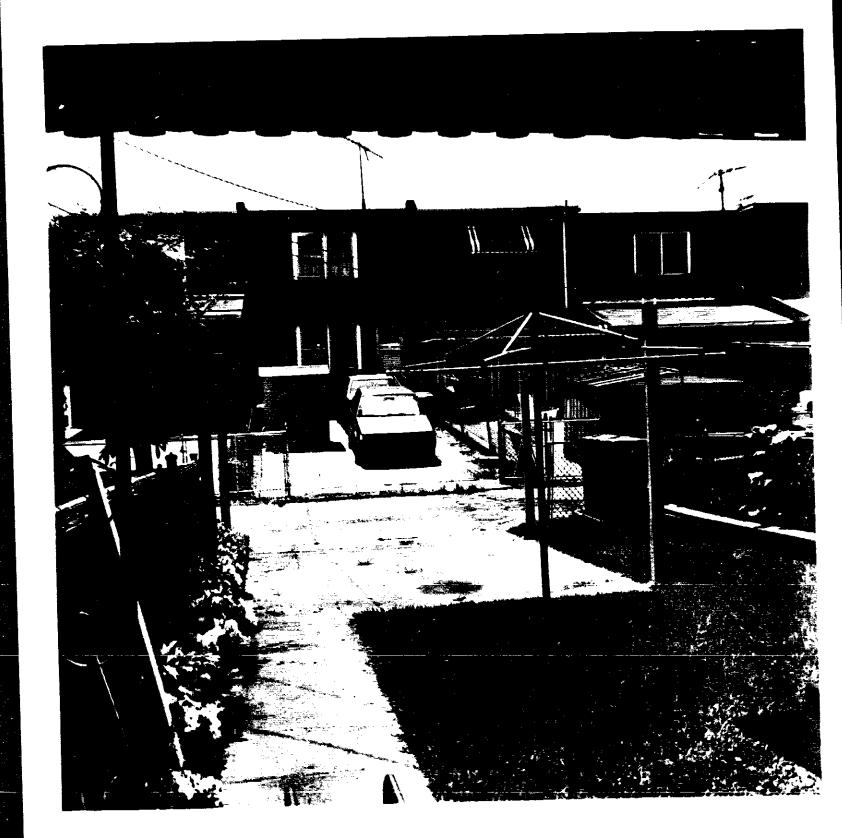
1) Your property will be posted on or before August 8, 1990. The last date (closing date) on which a neighbor may file a formal request for hearing is August 23, 1990). Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reposting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

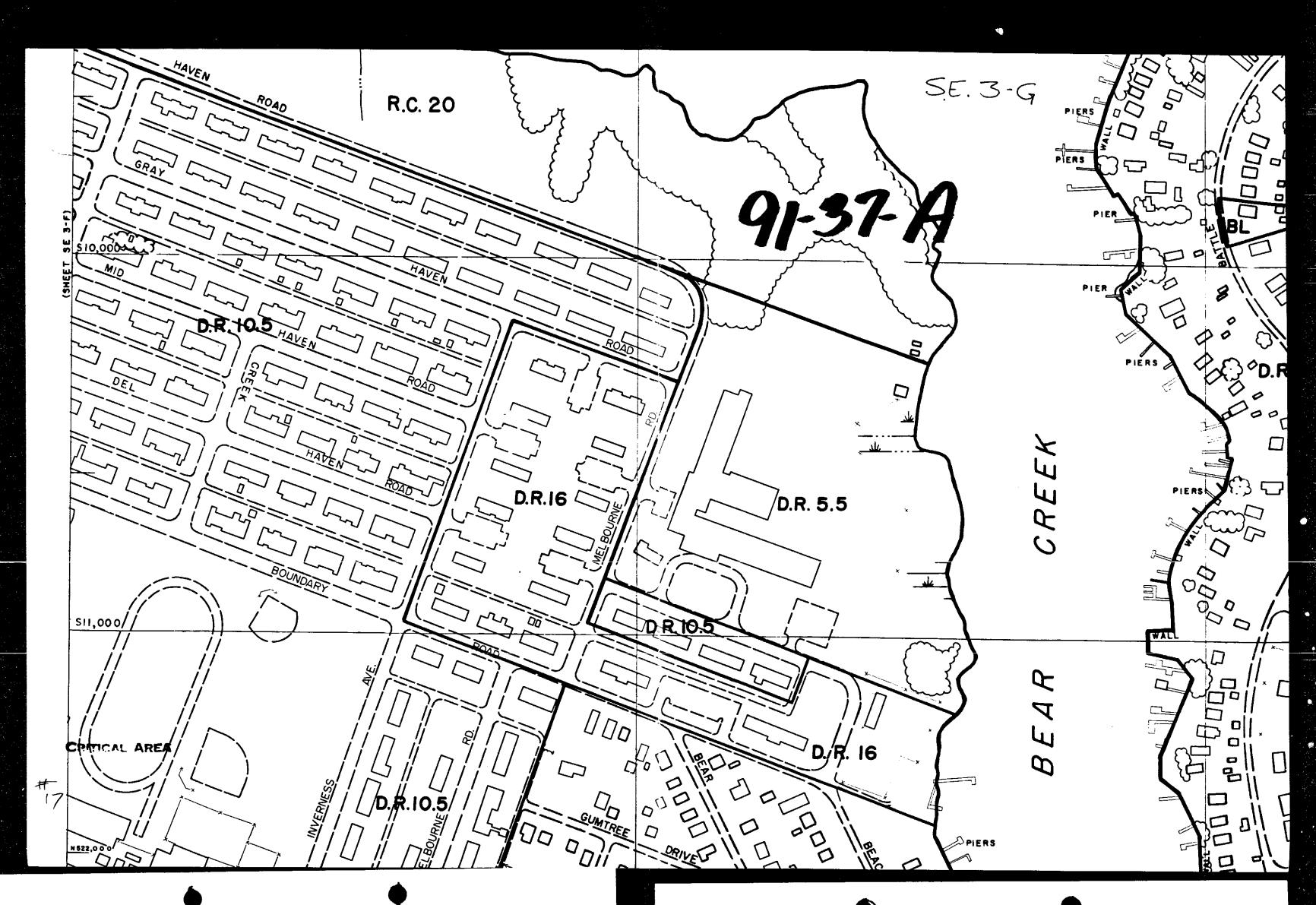
PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.



PETITIONER'S EXHIBIT L CASE NUMBER: 91-37-A



Looking out back from under awning.

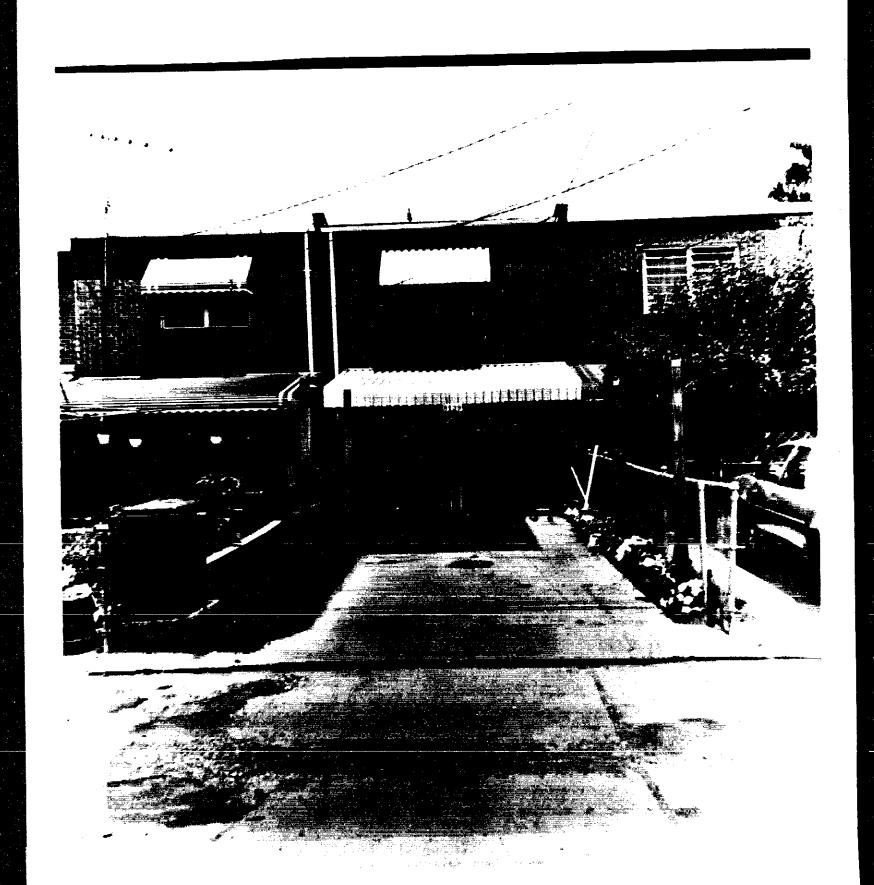


PETITIONER'S EXHIBIT #

PETITIONER'S EXHIBIT 1 CASE NUMBER: 91-37-A



Example of carport in our area.



Looking at my house from across the alley.